

# Notice of Allowability

Application No.

10/686,756

Examiner

Samir M. Shah

Applicant(s)

BARSHINGER ET AL.

Art Unit

2856

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/20/2006.
2. ☒ The allowed claim(s) is/are 1-4, 7-23, 25-34, 36-40 and 42-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Samir M. Shah

***Allowance***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/2006 has been entered.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. Dwight Holmbo on 3/20/2007.

4. The application has been amended as follows:

(a) As to claim 1, lines 7-8, delete "no more than one focusing lens curved solely" and replace it with --no more than one focusing lens, wherein said focusing lens is curved solely--.

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- (b) As to claim 1, line 8, delete "direct each ultrasonic" and replace it with --direct said each ultrasonic--.
- (c) As to claim 1, line 10, delete "modulation to each of the ultrasonic" and replace it with --modulation to said each ultrasonic--.
- (d) As to claim 18, line 10, delete "no more than one focusing lens curved solely" and replace it with --no more than one focusing lens, wherein said focusing lens is curved solely--.
- (e) As to claim 37, lines 11-12, delete "no more than one focusing lens curved solely" and replace it with --no more than one focusing lens, wherein said focusing lens is curved solely--.

5. The above amendment to the claims was necessary to overcome a 35 U.S.C. 112(2<sup>nd</sup>) rejection.

***Reasons for Allowance***

- 6. Claims 1-4, 7-23, 25-34, 36-40 and 42-45 are allowed.
- 7. The following is an examiner's statement of reasons for allowance:
  - (a) As to claims 1, 18 and 37, note is made only of the limitations "overall elevational dimension that is greater than its overall azimuthal dimension", "no more than one focusing lens" and "curved solely in the elevational direction" in combination with the rest of the limitations in the claims.

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(b) The closest reference Alexandru (US Patent 6,089,096 henceforth "Alexandru") teaches a similar invention as set forth in the previous Office Action mailed on 09/27/2006

However, Alexandru does not expressly disclose only a single (no more than one) focusing lens, which is curved solely in the elevational direction, or ultrasonic elements with an overall elevational dimension greater than an overall azimuthal dimension, as defined in claims 1, 18 and 37.

(c) Therefore, the prior art neither teaches nor provides the motivation to combine the above-mentioned limitations in combination with the rest of the limitations in claims 1, 18 and 37.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samir M. Shah whose telephone number is (571) 272-2671. The examiner can normally be reached on Monday-Friday 9:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Samir M. Shah*

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Art Unit 2856  
03/20/2007

*Hezron S. Williams*  
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